

United States District Court

EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

MARSHALL TODD WARD

v.

BRENDAN W. GUY, ET AL.

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Civil Action No. 4:21-CV-599
(Judge Mazzant/Judge Nowak)

MEMORANDUM ADOPTING REPORT AND RECOMMENDATION OF UNITED STATES MAGISTRATE JUDGE

Came on for consideration the report of the United States Magistrate Judge in this action, this matter having been heretofore referred to the Magistrate Judge pursuant to 28 U.S.C. § 636. On January 26, 2022, the report of the Magistrate Judge (Dkt. #8) was entered containing proposed findings of fact and recommendations that *pro se* Plaintiff Marshall Todd Ward's claims in the instant action be dismissed and that such dismissal count as a strike under 28 U.S.C. § 1915.

Having received the report of the United States Magistrate Judge, and no objections thereto having been timely filed, the Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct and adopts the Magistrate Judge's report as the findings and conclusions of the Court. Accordingly,

It is therefore **ORDERED** that *pro se* Plaintiff Marshall Todd Ward's claims against Defendants Brendan W. Guy and Constance P. Johnston be **DISMISSED WITHOUT PREJUDICE**. Plaintiff is advised that this dismissal counts as a strike under 28 U.S.C. § 1915, and that because he has accumulated three (or more) strikes, he may be denied *in forma pauperis* status and be required to pay the full filing fee when filing additional civil actions or appeals unless he demonstrates that he is in imminent danger of serious physical injury.

All relief not previously granted is **DENIED**.

The Clerk is directed to **CLOSE** this civil action.

IT IS SO ORDERED.

SIGNED this 21st day of March, 2022.

A handwritten signature in black ink, reading "Amos Mazzant", is written over a horizontal line.

AMOS L. MAZZANT
UNITED STATES DISTRICT JUDGE